

North Carolina Agriculture Cost Share Program Review Summary
(January 2015)

County	<u>Gaston</u>	Date of Previous Review/Report	<u>2006</u>
District Staff Name(s)	<u>Jason Cathey, Dean Parker, Danon Lawson</u>	Date	<u>1/13/2015</u>
NRCS Staff Name(s)	<u></u>		
Division Representative(s)	<u>Lisa Fine, Rob Baldwin</u>		
Additional Participants	<u></u>		

Questions	Division Findings				Division Comments	District Plan of Action Required		SWCD Plan of Action	Proposed Timeline for Implementation	Division Response to Plan of Action (date)
	Commendation	Recommendation	Corrective Action	No Concerns/ Not Applicable		Yes	No			
Section 1: Application Procedures and Tracking Progress (BMP Implementation and Payments) Questions in this section focus on how the district advertises the program, how applications are developed, how contracts are developed, how funds are tracked and how the board approves each.										
When do you schedule your board meetings?				X	The board meetings are the third Tuesday of every month at noon. The date rarely changes.		X			
How do you notify the public of the board meeting schedule and does it adhere to the Open Meetings Law?				X	A notice is posted on the sign boards in front of office, on all entrance doors to building, and put it's put in the newspaper public bulletin section.		X			

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<i>When do you develop a conservation plan for a potential applicant?</i>				X	After district sees what cost share funds are available then advertises funds then applicants come in to office. Staff goes out to the farm and develops the conservation plan. Do conservation plans for folks who don't get cost share sometimes too.		X			
<i>How do you assess the resource concerns on the farm to determine if a BMP is needed and feasible?</i>				X	Staff does site evaluations. Use GIS to see extent of hydrology and topography, take landowner concerns into account. Choses the lowest cost solution that is feasible.		X			
<i>Are applications reviewed and approved by the Board as a separate action item?</i>			X		No, according to the minutes reviewed applications are not approved as separate action items. <u>Corrective Action:</u> before entering into an agreement/contract the cooperator must have an approved application.	X		Items are now reviewed and approved by Board as a separate action item.	Immediately; as of January 2015	Plan of Action accepted.
<i>Are application decisions/motions recorded in the board minutes?</i>					See above - The application is approved along with the agreement/contract but applications should be brought up as separate action items from the contracts and voted on separately. The application and contract can be voted on at the same meeting but have to be done as separate action items with applications approved first.	X		Items are now reviewed and approved by Board as a separate action item.	Immediately; as of January 2015	Plan of Action accepted.

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Because applicants are limited when applying for incentive BMPs, how does your district track the applications for incentive BMPs? Is your district using the self-certification form provided by the division to track incentive BMPs.				X	District does not do many incentives. District was made aware of the self-certification form. They will begin to use it.		X			
Please describe how the district tracks applicants who are applying for multiple incentive BMPs or consecutive incentive BMPs.				X	The staff marks on district spreadsheet when it's an incentive and also will make sure to use the self-certification form.		X			
If multiple partners farm together, how does the district track individual applicants as one operation?				X	The district hasn't had to deal with it until recently. Staff adds details to spreadsheet to signify partners when they show up. FSA is available to look to find info on who is farming together.		X			
Once applications are approved, how do you develop a contract?				X	Site evaluations are done when applications come in. More site visits are done when funding is available and contracting can begin to make sure the practice is still wanted and needed. Staff writes the plan based on this.		X			
Describe how the district reviews the contract with the applicant. Do you explain that work cannot begin until the contract is approved by the division?				X	District meets cooperator in office or on farm. Staff goes over all forms and requirements/deadlines. NC11 form has deadlines that the staff points out.		X			
What procedures do you follow for notifying the applicant that work can begin?				X	When the staff gives the district their copy of the file after division approval they notify them that work can begin.		X			

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What information do you provide the applicant?	X				Cooperator gets a duplicate copy of everything in contract file. Forms, maps, designs, district specific check off sheet for each practice. Staff goes over standards and specs with cooperator. Commendation: the staff is commended for the amount of information given and using a district check off sheet to make sure all info is provided to the cooperator.		X			
<i>Are contracts reviewed and approved by the Board as a separate action item?</i>					No, contracts are reviewed and approved along with applications. See the application corrective action earlier.	X				
<i>Are contract decisions/motions recorded in the board minutes?</i>					Yes, motions and decisions are recorded but see the earlier description of how they should be recorded.	X				
Describe the district/board's procedure for approving supervisor contracts.				X	No penalty or preference is given to supervisors. They are treated like all other applicants.		X			
<i>Is it documented in the Board minutes that the supervisor abstained from discussing his/her own contract and from voting?</i>				X	Yes, evidence was found in the minutes that supervisor abstained from voting on his own contract.		X			
What technical assistance do you provide during the BMP installation process to ensure the BMP is installed by the contract deadline?				X	District helps out depending on farmer. Farmers may want staff to watch it going in. Jason and Dean help with CCAP installation. Dean surveys. Check to make sure certain things are done correctly as installation progresses. On site if more detailed work is going on. Culverts, ponds		X			

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					etc... pipe laying. Have good relationships with contractors in the county.					
How do you track the Commission’s interim performance milestone? One-third of the work must be completed within 12 months of division approval.		X			Most of the time work is done. Recommendation: add a column to spreadsheet for the 1/3 date and check before each board meeting to be sure work is progressing. District may need to contact the farmers who are getting close.	X		Column has been added to our tracking spreadsheet to aid in tracking the timeline of accomplishments by cooperators	January 2015; Immediate implementation	Plan of Action accepted.
Is the district recording 6-month extensions in the board minutes?				X	District has no recollection of doing a 6 month extension. They have been made aware of the NC18 form.		X			
What documentation do you include in the contract file that certifies that the BMP was inspected and is installed to the standards and specifications?	X				Conservation 6 notes in files. NC11 form has documentation that BMPs are checked. Cover sheet signed as well. Have “as built” stamp for contract files. Commendation: the district documents the process well especially by using their own cover sheet.		X			
Are BMPs measured then certified before the request for payment is approved? How is this documented?				X	See above about certification. Then RFP is filled out. Also use field books.		X			
Are receipts received and reviewed for CSP BMPs that are based on actual cost?				X	Yes, and they are kept in the CPO file.		X			
Are request for payments reviewed and approved by the board as a separate action item?				X	Yes, evidence was found in board meetings minutes.		X			

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Are payment decisions/motions recorded in the board minutes?				X	Yes, they are recorded in the minutes.		X			
Section 2: Spot Checks and Compliance Issues Questions in this section focus on how the district reviews BMPs for compliance and how maintenance and/or non-compliance issues are addressed.										
Who participates in annual spot checks? When are they conducted?				X	At least 2 supervisors attend and at least 2 staff. They are usually done in February.		X			
How does the district select which contracts to spot check?				X	Determines what 5% is then uses spreadsheet and Excel has a random sampling function that it picks by number.		X			
Are all BMPs under the waste management category spot checked for the first five years after installation? This applies to all farms that fall under the thresholds that are regulated by DWQ.	X				Yes, spreadsheet has its own tab for waste projects and staff pulls them. Commendation: the district has modified their spreadsheet to include tracking of all waste projects which is a useful system.		X			
How does the district review five percent of all waste utilization plans?		X			Dean said it's been a while since they reviewed these plans since the dairies are closing. They review them when they need to for expansions etc... Companies are not coming to staff to update their waste plans. Dean put his in Joe Hudyncia's waste mgt program. Now there are only 2 dairies. Poultry is up and coming. Recommendation: districts are required to review 5% of	X		The required 5% will be reviewed following the guidance of division staff.	Beginning in 2015	This requirement has been removed from the division recommendation. There is no need to begin completing this task now.


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					all waste utilization plans in the districts including poultry with or without the farm having cost shared practices.					
How does the district notify the NRCS area office (for ACSP contracts) or division (for CCAP contracts) to conduct spot checks on lands owned or operated by a district, county, division or NRCS employee or district supervisor? This includes CPOs, revisions, supplements or repairs.			X		Jason talks with Chris around August for engineering contracts that need to be reviewed. Corrective Action – not all supervisor contracts are being reviewed within a year of completion. Staff was not notifying the Area Office of supervisor contracts. Notified district that supervisor contracts must be spot checked by NRCS Area Office staff within one year of completion and not to wait on the NRCS semi-annual spot checks.	X		Based on the current Division policy, the Gaston District has taken immediate steps to ensure that all supervisor contracts are spot checked by NRCS Area Office staff within one year of completion.	January 2015; Immediate implementation	Plan of Action accepted.


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The North Carolina Statute 02 NCAC 59D.0107(f) states "If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-implemented within 30 working days. For vegetative practices, applicants are given one calendar year to re-establish the vegetation" How does your district notify individuals that have destroyed or mismanaged a BMP?		X			Usually find these during spot checks and the chairman would send a letter out to the cooperator. Jason also finds sites that are out of compliance or need maintenance. If cooperator is on site he talks to them about maintenance or sends letter. Recommendation: the district should always send a letter to the cooperator explaining his responsibilities and timelines for coming back into compliance	X		This recommendation has been implemented as part of the Gaston SWCD policy.	Immediately; beginning January 2015	Plan of Action accepted.
How are supervisors notified of BMPs that are found to be destroyed or mismanaged at any time throughout the year?				X	Supervisors are told during board meetings after spot checks are completed. The staff goes over the findings with the board.		X			
When does the district provide a written notice that the BMP must be repaired or re-implemented within 30 working days? (Vegetative practices have to be reestablished within one calendar year.) Is a copy of the notification kept with the CPO?				X	Notified Jason that staff can write compliance letters but chairman should sign the letter to the cooperator. Copies I received are signed by the chair.		X			
If the BMP was not repaired or re-implemented, was repayment requested? Please provide documentation.				X	Jason hasn't ever sent a refund to the division since 2008.		X			
<i>Is the district notifying the division of non-compliance and resolutions?</i>		X			There is evidence in older files of the district notifying the division of contracts needing maintenance and those out of compliance. The copies	X		The recommended copies of the compliance letters sent to cooperators will be forwarded to the division in the future.	January 2015; Immediate policy implementation	Plan of Action accepted.


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					of letters we received also had notes of the follow-up done by the district to make sure the corrections were made. This info was noted, signed and dated which is outstanding. However, no recent information like this can be found. Recommendation: district should notify the division of any compliance by sending copies of letters to cooperators to the division. They should also follow up and include the notes on the corrections that were made just as in the earlier years.					
Section 3: Record Keeping Questions in this section focus on how funds are managed and accounted for, maintaining proper design and job approval authority, as well as disclosure forms.										
How does the district track BMP funds?				X	District uses a spreadsheet to track BMP funds.		X			
How does the district use the division on-line (website & CS ²) reports?				X	The district used the legacy system to track payments, etc.. CS ² is easier to tell when contracts are approved and payments too. Don't really need to run a report to see it.		X			
How are technical assistance funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	All money goes to the county and the county spends it. The district does not track where it goes because they don't know what specifically it is spent on. It's counted as county revenue.		X			


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					County does budget audits annually. Outside CPA firm Martin Starnes & Associates, CPAs did the audit for the year ending June 30, 2014. Copy obtained from district.					
Who in the office is funded by Cost Share Technical Assistance (TA) from the State?				X	Dean Parker. Jason is a county employee.		X			
How are operating funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	Same as TA		X			
How are matching funds tracked? Are they audited? What is the date of the last audit? Who performed the audit?				X	Same as TA.		X			
Is proper job approval authority (JAA) documented for each technical and cost share position? Please provide a copy of the latest approved JAA.				X	Yes, I reviewed all job approval forms.		X			


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Do district supervisors complete supervisor forms when they have a financial interest in an entity requesting a cost share contract? Do we still need this? Dottie/Helen are now monitoring this				X	Yes, Helena has the forms for the most recent signing.		X			
Section 4: Contract Reviews and Site Visits Below is a list of the contracts the division reviewed. Spot checks were also conducted. Notes include recommendations and/or corrective action for contract files as well as the BMP. Contracts/BMPs are listed by contract number.										
Contract Number: 36-2005-182 Applicant Name: Lee Roach BMP: well, tanks, fencing		X			No concerns with BMPs. No concerns with contract file. No Conservation Plan in old files but have started to do them in more recent years. Recommendation: district should contact Jim Errante for cultural resource reviews during the contracting process when applicable. The cultural resource review form should be filed in the contract file folder.	X		The Gaston District will consider this recommendation and make cultural resource reviews a priority in the standard plan creation.	FY 2015-2016	Plan of Action accepted.
Contract Number: 36-2009-214 Applicant Name: William Craig BMP: pasture renovation		X			No concerns with BMPs. See above comment on Conservation Plans.	X		The Gaston District will consider this recommendation on all future plans where RUSLE and PLAT are needed	FY 2015-2016	Plan of Action accepted.


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					Recommendation: when RUSLE and PLAT are ran, the results should be put into the contract file.					
Contract Number: 36-2009-227/36-2010-245 Applicant Name: William Bohrer BMP: fencing, tank, well		X			No concerns with currently cost shared BMPs. Some pasture work is probably needed in the exotic animal fields since they are in the same area as the cost shared fields and contribute to the same streams.	X		The Gaston District will continue to work with this cooperator to ensure that all practices are functioning and that the diverse animal population does not negatively impact the conservation efforts that have been implemented.	FY 2015-2016	Plan of Action accepted.

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					Recommendation: the district should go back in spring and see what sediment/erosion/waste work could be done if applicable in the fields with exotic animals with or without cost share assistance. The concern is that the work being done and cost shared on for the traditional livestock is being affected by the exotic animal fields.					
Contract Number: 36-2010-504/36-2011-506 Applicant Name: Ron Holland BMP: stormwater wetland					No concerns with BMP. Contract files should contain ranking forms and methods of obtaining effects.		X			

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Contract Number: 36-2011-508/36-2012-511 Applicant Name: Town of Dallas, NC BMP: stream restoration		X			There is one area of the stream restoration that needs repaired. There is a cut back into the bank. A grassed swale or diversion could be used to repair this site. Recommendation: the district should work on repairing this site before it gets any worse and following up with the division.	X		The Gaston District will continue to monitor and address any issues with this restoration problem as resources become available	Beginning FY 2016	Plan of Action accepted.

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Contract Number: 36-2012-803 Applicant Name: Nancy Crocker BMP: well, pump					No concerns with BMP. See notes above about not having Conservation Plan in file. Ranking forms were not found either.	X		Missing items will be addressed, Conservation plans to be included in future plans.	2015-16	Plan of Action accepted.

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Contract Number: 36-2013-267 Applicant Name: William Bohrer BMP: heavy use area					No concerns with BMP. Missing conservation plan, cultural resources review, and ranking form from contract file.	X		Missing items will be addressed	2015-16	Plan of Action accepted.

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Contract Number: 36-2013-804 Applicant Name: Jack Gibson BMP: well/pump					No concerns with BMP. Missing conservation plan and ranking form from contract file.	X		Missing items will be addressed	2015-16	Plan of Action accepted.
Contract Number: 36-2012-512/36-2014-501 Applicant Name: Town of Dallas BMP: stream restoration					No concerns with BMP. Some items missing from file such as how effects values were obtained.	X		Missing items will be addressed	2015-16	Plan of Action accepted.

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